

**FACT SHEET**

**APPLICATION FOR  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
PERMIT TO DISCHARGE TO WATERS OF  
THE STATE OF ALABAMA  
GENERAL PERMIT**

**Date:** May 18, 2010

**Prepared By:** Marla S. Smith

**NPDES Permit No.** ALR040000

**1. Description of Category:**

This permit is intended to cover storm water discharges from small municipal separate storm sewer systems (MS4s) in the State of Alabama. Small MS4's are defined as municipalities with a population less than 100,000 and located in urbanized areas as defined by the latest census by the Bureau of Census. Also included in this definition are systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares (40 CFR Part 122.26(b)). In addition, MS4's with a population density of 1,000 people per square mile and a population of at least 10,000 which are located outside an urbanized area may be included in accordance with 40 CFR Part 123.35.

**2. Geographic area covered:**

State of Alabama

**3. Receiving waters:**

All Waters of the State

**4. Types of discharge:**

Discharge of storm water from small municipal separate storm sewer systems as defined in 40 CFR 122.26(b), and specific non-storm water discharges as defined in Part I.B.2 of the proposed General Permit.

**5. Permit Conditions:**

The permit conditions are based on 40 CFR Parts 122.30 – 37.

**6. Procedures for the formulation of final determinations**

a. **Comment Period**

The Alabama Department of Environmental Management proposes to issue a General NPDES Permit subject to the effluent limitations and special conditions outlined above. These determinations are tentative.

Interested persons are invited to submit written comments on the permit application or on proposed determinations to the following address:

Russell A. Kelly, Chief  
Permits and Services Division  
Alabama Department of Environmental Management  
1400 Coliseum Blvd  
(Mailing Address: Post Office Box 301463; Zip 36130-1463)  
Montgomery, Alabama 36110-2059  
(334) 271-7714

All comments received prior to the closure of the public notice period (see attached public notice) will be considered in the formulation of final determinations with regard to this application.

b. **Public Hearing**

A written request for a public hearing may also be filed within the public notice period and must state the nature of the issues proposed to be raised in the hearing. The Director shall hold a public hearing whenever it is found, on the basis of hearing requests, that there exists a significant degree of public interest in the permit application or draft permit or group of permits. A request for a hearing should be filed with the Department at the following address:

Russell A. Kelly, Chief  
Permits and Services Division  
Alabama Department of Environmental Management  
1400 Coliseum Blvd  
(Mailing Address: Post Office Box 301463; Zip 36130-1463)  
Montgomery, Alabama 36110-2059  
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The Director may hold a public hearing if he determines that useful information and data may be obtained thereby. Public notice of such a hearing will be published at least 30 days prior to the hearing in a newspaper having general circulation in the geographical area of the discharge and will be sent to those on the ADEM mailing list at least thirty days prior to the hearing.

**c. Issuance of the Permit**

Upon the expiration of the comment period and, if applicable, completion of the public hearing process a response to all significant comments will be prepared. After consideration of all comments received during the notice period or as the result of a public hearing, the response to comments, and of the requirements of the Alabama Water Pollution Control Act and appropriate regulations, the Director will make a final decision regarding permit issuance. **The permit record, including the response to comments, will be available to the public and an appointment to review the record may be made by writing the Permits and Services Division at the above address.**

Unless a request for a stay of the permit or permit provision is granted, the proposed permit contained in the Director's determination shall be issued and effective; and will be the final action of the Alabama Department of Environmental Management.

**d. Appeal Procedures**

Any person adversely affected by the Director's final decision may submit an appeal or a request for a stay of the permit or one or more provisions of the permit. Such requests should be received by the Environmental Management Commission within thirty days of issuance of the permit. Requests should be submitted to the Chairperson at the following address:

Alabama Environmental Management Commission  
1400 Coliseum Blvd  
(Mailing Address: Post Office Box 301463; Zip 36130-1463)  
Montgomery, Alabama 36110-2059

All requests must:

- (i) State the name, mailing address and telephone number of the person making such request;
- (ii) Identify the interest of the appellant which is affected by the proposed issuance, denial or modification of the permit contained in the determination of the Director, and explain how and to what extent that interest would be directly and adversely affected by such determination;
- (iii) Identify any persons whom the request represents;
- (iv) State with particularity the issues proposed to be considered at the hearing;
- (v) Include any terms and conditions with which the appellant proposes to revise or replace the determinations of the Director;

- (vi) State the name, mailing address and telephone number of the attorney for the person making the request, if represented by an attorney; and
- (vii) An original signature of the person making the request or such person's attorney.

The Commission may rule on the appeal or may hold an appeals hearing prior to making a ruling.

## **NPDES PERMIT RATIONALE**

### **MS4 Phase II General Permit**

|   |   |                    |
|---|---|--------------------|
| NPDES Permit No:                          | <b>ALR040000</b>  | Date: May 18, 2010 |
| Permit Applicant:                         | This permit is intended to cover storm water discharges from small municipal separate storm sewer systems (MS4s) in the State of Alabama  |                    |
| Location:                                 | State of Alabama  |                    |
| Draft Permit is:                          | Initial Issuance:<br>Reissuance due to expiration: X<br>Modification of existing permit:<br>Revocation and Reissuance:  |                    |
| Introduction:                             | <p>This permit requires implementation of the MS4 Phase II program under the State and Federal NPDES regulations. Each MS4 must develop, implement, and enforce a stormwater management plan designed to reduce the discharge of pollutants to the maximum extent practicable using the six minimum control measures to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. The six minimum control measures include the following: Public Education and Outreach; Public Involvement/Participation; Illicit Discharge Detection and Elimination (IDDE); Construction Site Storm Water Run-Off Control; Post-Construction Storm Water in New Development and Re-Development; and Pollution Prevention/Good Housekeeping. The Permittee must submit an annual report that includes documentation of the six minimum control measures used by the Permittee to reduce the discharge of pollutants to waterbodies to the maximum extent practicable. Monitoring and a monitoring plan is required by the Permittee if an impaired waterbody, as listed on the State of Alabama's 303(d) list, or an EPA-approved Total Maximum Daily Load (TMDL) is located within the MS4 jurisdiction.</p> |                    |
| State and Federal<br>Permit Requirements: | This permit implements applicable requirements of 40 CFR Parts 122.30 – 37.   |                    |
| Permit Procedures:                        | Today's draft permit has been developed in accordance with all applicable procedures of ADEM Admin. Code r. 335-6-6-.20, 335-6-6-.21, and 335-6-6-.23.  |                    |
| Effluent Standards<br>and Limitations:    | This permit requires that any discharges associated with the regulated MS4 be consistent with TMDLs established or approved by EPA in addition to applicable State Water Quality Standards.   |                    |
| Previous Drafts:                          | <p>The Department held a 30-day public comment period beginning on January 14, 2010 for a previous draft of this permit. Comments were received from Permittees, EPA, and other stakeholders raising significant issues regarding the previous draft. After a thorough review on all comments received, the Department has chosen to revise the draft permit.</p>   |                    |

The draft permit was revised to clarify certain requirements, remove duplicitious language, and to achieve greater consistency with 40 CFR Part 122.30 - .37 and similar small MS4 permits throughout the Southeast.

The most significant revision to the draft permit pertains to the requirement for construction site stormwater runoff control found in Part III.B.4. For consistency with 40 CFR 122.35, the draft permit was revised to allow Permittees to rely on ADEM's NPDES construction stormwater program to establish and enforce applicable construction site erosion and sediment controls. Today's draft permit requires the MS4 to, at a minimum, inspect its systems and identify potential impacts from non-compliant construction sites. The MS4 may choose to address such sites through its own regulatory mechanisms, or refer the sites to the Department for potential enforcement under the State NPDES program. Today's draft permit includes specific requirements that the MS4 must include in its construction site stormwater program if not relying in the State program.

Another area of significant concern to many Permittees and stakeholders were the requirements pertaining to post-construction stormwater management in new development and redevelopment found in Part III.B.5. These permit conditions remain largely as they appeared in the January 2010 draft. However, the Department has further clarified in this draft that the overarching objective of the post-construction program is to establish controls that will, to the maximum extent practicable, ensure the maintenance of site hydrological condition from pre- to post-construction phases. A 2yr-24hr storm event shall form the basis for design and implementation of post-construction stormwater management practices.

Prepared by:

Marla Shelley Smith